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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated, Plaintiffs, v. GOOGLE, INC., Defendant.	CASE NO. C O5-03649 JW **[PROPOSED] ORDER GRANTING GOOGLE INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' "120% RULE" AND "PARTIAL MONTH" CLAIMS** Date: November 10, 2008 Time: 9:00 a.m. Place: Court Room 8 Judge: Honorable James Ware

Dockets.Justia.com

Defendant Google Inc.'s Motion for Partial Summary Judgment on Plaintiffs' "120% Rule" and "Partial Month" Claims brought pursuant to Federal Rule of Civil Procedure 56(c), having come on for hearing, the Court having considered all relevant documents and evidence and having considered the arguments of counsel, and good cause appearing therefor:

IT IS HEREBY ORDERED that defendant Google Inc.'s Motion for Partial Summary Judgment on Plaintiffs' "120% Rule" and "Partial Month" Claims is granted. Plaintiffs have suffered no injury in fact and lost no money or property as a result of Google's practice, and therefore have no standing under California Business and Professions Code sections 17200 and 17500 *et seq.* to bring these claims. Therefore, Plaintiffs' claims that Google's 120% Rule and/or partial month practice violates California Business and Professions Code sections 17200 and 17500 *et seq.* are dismissed for lack of standing.

Dated: ____________________, 2008

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Honorable James Ware
U.S.D.C., Northern District of California

Respectfully submitted:
PERKINS COIE LLP

By ___________/S/_______________
David T. Biderman
Attorneys for Defendant Google Inc.